

### **REMARKS**

No claims have been amended by this response. Reconsideration of this application and allowance of all claims is respectfully requested.

Turning to the Office Action, claims 1-4, 6-9, 11-17, 19 and 20-48 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Stengel (5109530) and Lemelson (4354189). Moreover, claims 5, 10 and 18 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Stengel and Lemelson as applied to claims 1, 8 and 15 in view of Stamm (4353064).

Applicants respectfully request withdrawal of the rejection of claims 1-4, 6-9, 11-17, 19 and 20-48 under 35 U.S.C. § 103(a) as being unpatentable over Stengel (5109530) and Lemelson (4354189). As stated in Applicants' last response, it is the prior art, and not the Examiner, that must suggest the desirability of the claimed invention. See MPEP § 2143.01. Here, the prior art fails to make such a suggestion of the claimed inventions. Accordingly, passage of all rejected claims to issue is respectfully requested.

As stated by the Applicants in their previously response, Lemelson completely fails to show any automated power controlling modes whatsoever. As a result, Lemelson suffers from the very same problem that is solved by the present application – excessive power consumption of an unlocking device. Accordingly, one skilled in the art would not be motivated to use Stengel for implementing the power controlling modes as set fourth in the present application because the problem is not recognized or addressed by Lemelson.

Nevertheless, in maintaining the rejection in the Final Office Action, the Examiner states that “it is conventionally understood that saving power is desirable in nearly all electronic devices. Hence one of ordinary skill in the art recognizes power saving as a solution to the problem and Stengel teaches a method (the claimed method) of saving power in a receiver.”

Lemelson, however, clearly fails to suggest that saving power is desirable and thus the Examiner's position is unsupported. As stated in Lemelson, “[n]otation 22 refers to a suitable source of electrical energy such as a battery or line current, a combination of the two or other means for supplying electrical energy for powering the electronic devices associated with the various components illustrated and described.” Col. 4, lines 47-52 (emphasis added).

Accordingly, Lemelson indicates that if a battery is not “a suitable source of electrical energy,” then instead of trying to save power – a person should just get a bigger or better source of

electrical energy. Therefore, Lemelson fails to recognize the desirability of saving power.

Applicant further notes that Stengel fails to teach or disclose a receiver that is periodically awoken and, during an awake period, receives a signal containing an input code that is compared to an authorization code as claimed. Instead, Stengel merely teaches a receiver that periodically wakes up for determining a change in a coded squelch signal. As stated in Stengel,:

“...the receiver 100 receives, recovers, and decodes a non-valid coded squelch signal (CSS) and goes to sleep after synchronizing with the non-valid CSS.

Periodically the receiver 100 wakes up in sync with the non-valid CSS to determine any change in the CSS. If no change in the CSS is determined the receiver 100 goes back to sleep. In the event that a change is determined the battery saver mode is departed and the receiver 100 continues to receive information.” Stengel, Col. 5, line 66 – Col., line 7.

Accordingly, Applicants respectfully request that the rejection based on Lemelson and Stengel be withdrawn based on the failings to teach or suggest the presently claimed invention.

Applicants also note that the pager art, and problems within the pager art as addressed by Stengel, are nonanalogous to the problems addressed by the present invention with regard to electronic access control devices. Accordingly, the use of Stengel as a reference is inappropriate.

Applicants also assert that the prior art of record fails to teach or suggest, inter alia: a low-battery indicator, a two-current solenoid driver, reading and writing codes to memory, a keyboard for entering a code, a program key on the keyboard, a serial number written to the memory, and other features as set forth in the dependent claims. Accordingly, in view of the above remarks, Applicants respectfully request that all pending claims be passed to issue.

Should anything further be required, a telephone call to the undersigned at (312) 226-1818 is respectfully solicited.

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Respectfully Submitted,



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I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail in an envelope addressed to: Mail Stop AF, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on February 13, 2006.

  
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